

BEFORE THE
POLLUTION CONTROL HEARINGS BOARD
STATE OF WASHINGTON

IN THE MATTER OF)
LOUIS E. RILEY,)
)
Appellant,)
)
v.)
)
DEPARTMENT OF ECOLOGY)
and A & W DRILLING,)
)
-Respondents,)
)

PCHB No. 79-11

FINAL FINDINGS OF FACT,
CONCLUSIONS OF LAW
AND ORDER

This matter came before the Pollution Control Hearings Board, Dave J. Mooney, Chairman, Chris Smith, and David Akana (presiding) at a formal hearing in Pasco on June 7, 1979.

Appellant appeared pro se and with his spouse, Janice R. Riley; Respondent, Department of Ecology (DOE), was represented by Robert E. Mack, Assistant Attorney General; Respondent, A & W Deep-Well, Inc., was represented by its president, Gerald Adcock.

Having heard the testimony, having examined the exhibits, and having considered the contentions of the parties, the Board makes these:

1 FINDINGS OF FACT

2 I

3 Appellant is the owner of a well located in Walla Walla County
4 which was drilled by respondent A & W in 1975 under Permit No. G3-21880P.

5 II

6 Respondent DOE is the agency designated by chapter 18.104 RCW, the
7 Washington Water Well Construction Act of 1971, to administer the
8 regulation and licensing of water well contractors and operators, and
9 to regulate water well construction.

10 III

11 In September of 1975 A & W began drilling a well for appellant.
12 After drilling through the overburden and some basalt, A & W installed,
13 at the instance of appellant, a 14-inch casing in the hole and sealed
14 the surface. Some time later, the ground around the casing caved in.
15 The ground around the casing was dug to a depth of about 26 feet to
16 repair the casing, and rock material was placed to fill the hole.
17 Because of this occurrence, the well was not thereafter sealed at the
18 surface. The evidence shows that basalt is located between 46 feet and
19 122 feet depth. A & W continued drilling, and thereafter placed 12-inch
20 casing to an 81 foot depth. Between 81 feet and 109 feet the basalt is
21 loosely consolidated with fractures extending to the overburden. A
22 large hole is situated below the 81 foot depth. Below 109 feet is solid
23 basalt. The well was drilled to an 835 foot depth and is not completely
24 straight, although a pump can be lowered through the casing and hole.
25

26 FINAL FINDINGS OF FACT,
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1 Some material collapsed into the hole, causing the actual depth to be
2 less than 835 feet.

3 IV

4 Appellant complained to this Board and the DOE regarding the
5 constructed well. DOE investigated the circumstances of the complaint
6 and determined that no action should be taken against A & W, as it had
7 "complied to its best ability with the provisions of chapter 18.104 RCW
8 and chapter 173-160 WAC" in what were "unusual geological formations."
9 DOE's conclusions in its Order DE 78-493 regarding the depth of the
10 hole, the static water level, and well alignment were not shown to be
11 incorrect. With regard to sealing, the evidence shows that further
12 attempts to reinstall a surface seal would not accomplish the purpose
13 set forth in the regulations due to the nature of the geological
14 formations.

15 V

16 Any Conclusion of Law which should be deemed a Finding of Fact
17 is hereby adopted as such.

18 From these Findings, the Board comes to these

19 CONCLUSIONS OF LAW

20 I

21 Appellant failed to show that the action of DOE should be
22 reversed. At the hearing, it appeared that appellant's well would
23 be declared in compliance with chapter 18.104 RCW and chapter 173-160
24 WAC if such was requested by appellant.

25
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II

Basically, appellant is not satisfied with the construction of this well and feels that A & W should be held to a level of performance meeting his expectations under their contract. This is not the proper forum for a contract dispute.

III

Any Finding of Fact which would be deemed a Conclusion of Law is hereby adopted as such.

From these Conclusions, the Board enters this

ORDER

The action of the Department of Ecology in Docket Order No. DE 78-493 is affirmed.

DATED this 16th day of July, 1979.

POLLUTION CONTROL HEARINGS BOARD

David Akana
DAVID AKANA, Chairman

Chris Smith
CHRIS SMITH, Member